

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T03-0069

STIPULATED AGREEMENT No. 1047

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", Lenox Township Road District, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the 110th Street (TR-142) highway-rail grade crossing of the Company's tracks located near Monmouth, Warren County, Illinois, designated as crossing DOT004 695B, milepost 189.49 M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and gates, controlled by constant warning time circuitry;
- b) The Company should install new crossing surfaces that conform to 92 Illinois Administrative Code 1535.204;
- c) The Road District should improve the east highway approach so that it conforms to the requirements of 92 Illinois Administrative Code 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The County on behalf of the Road district has prepared a preliminary estimate of cost which is attached as Exhibit C, to accomplish the proposed highway approach improvements which it may be required to perform; The Road District and/or the County shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed highway approach improvements for the approval of the Commission and Department.

Section 5 The Company and Road District shall each upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to perform the work described in Section 2 (a) is estimated at \$161,429. The Grade Crossing Protection Fund (Fund) should pay 95% of the actual project cost, not to exceed \$153,358, with the Company paying all remaining installation costs as well as all future operating and maintenance costs thereof.
- b) The cost to install new crossing surfaces as well as all future maintenance

cost thereof should be paid by the Company;

- c) The cost to perform the work described in Section 2 (c) is estimated at \$1,875. The Road District should pay 100% of the actual cost, as well as all future maintenance costs thereof.

Section 7 The Road district is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit D.

Section 8 Special Provisions: The Company and Road District shall each at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

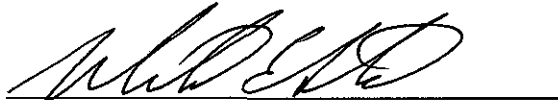
All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and Road District shall each at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company/Road District employee responsible for management of the project.

Since the crossing approach reconstruction improvements at the subject crossing will be performed by the Road District or their respective contractor crew, flagging and contractor liability insurance will be required for said work

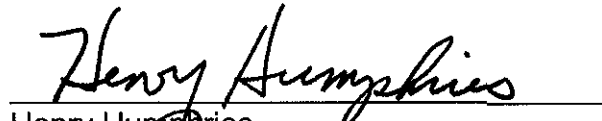
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 2nd day of June, 2003.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Railroad Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1047** concerning improvements at the 110th street (TR-142) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Monmouth Warren County, Illinois, designated as crossing AAR/DOT # 004 695B, Milepost 189.49-M.

Executed by the Lenox this 25 day of June 2003.
(Twp./Road District)

LENOX TOWNSHIP ROAD DISTRICT

By: Montgomery Highway Community

RECEIVED
JUL 1 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Carol Parrish - clerk

Illinois Commerce Commission Stipulated Agreement No. 1047 concerning improvements at the 110th street (TR-142) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Monmouth, Warren County, Illinois, designated as crossing AAR/DOT # 004 695B, Milepost 189.49-M.

Executed by the Department this 3rd day of July 2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moders
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. **1047** concerning improvements at the 110th street (TR-142) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company tracks, near Monmouth, Warren County, Illinois, designated as crossing AAR/DOT # 004 695B, Milepost 189.49-M.

Executed by the Company this 8th day of JULY 2003.

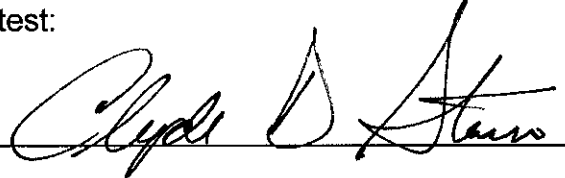
THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: 
Assistant Director, Public Projects

APPROVED AS TO FORM 6/17/03


Burlington Northern Santa Fe Law Department

Attest:

 7.8.03

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	004 695B, 189.49-ATSFM
STREET, CITY, COUNTY	110 th Street (TR-142) near Cameron, Warren County
JURISDICTION (RDWY)	Lenox Township Road District
LOCATION	Rural
STREET SURFACE	Oil/Chip Road 20' wide in Fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	FDT	32'	Fair>Poor
Main	FDT	32'	Fair>Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Private field Ent.
TRAFFIC CONTROL	None
ADT & SPEED	75 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, ALL POSSIBLE
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	70 Per day @ 70 MPH, Day & Night? Yes
PASSENGER TRAFFIC	2 Per day @ 79 MPH
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway		FEET
Along Tracks		FEET
Required Clearing Sight Distance (CSD) (Along Tracks)		FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE		These could be labeled on the Location Sketch.		
NW				
SE				
SW				

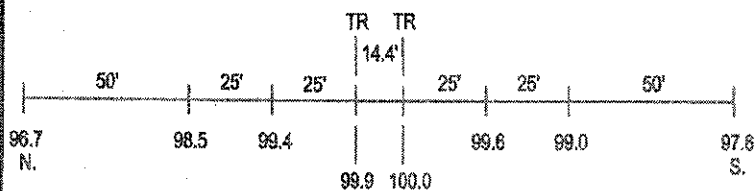
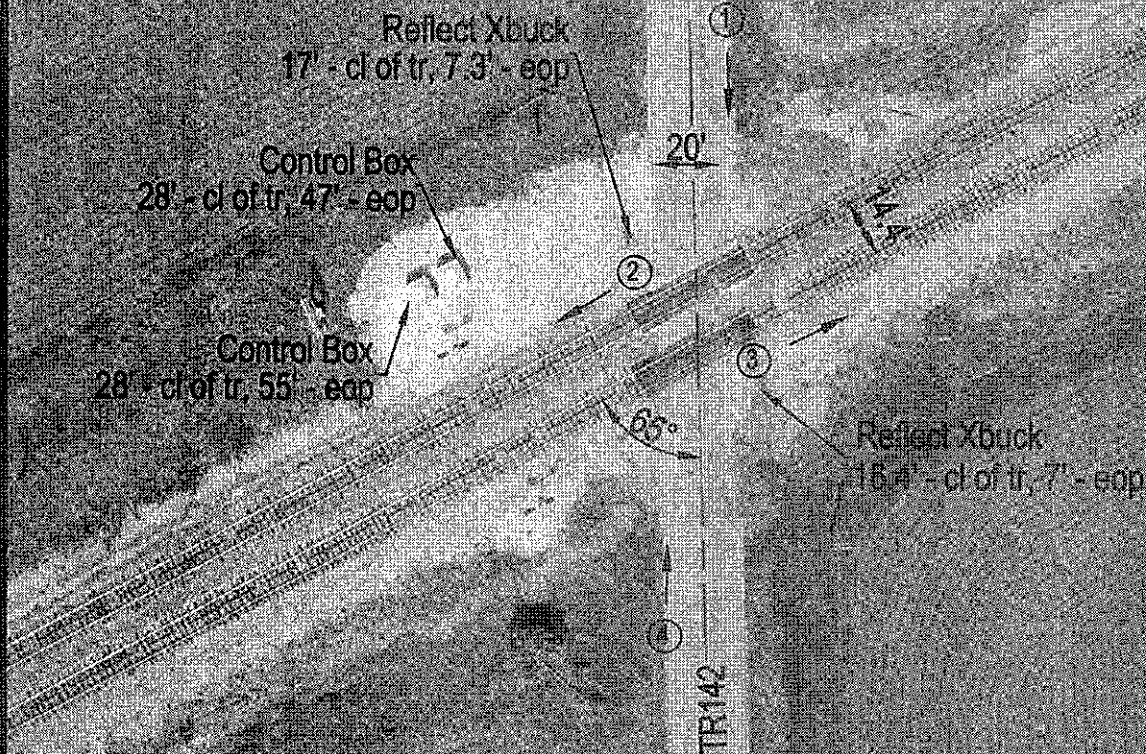
APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
#	#	#	#	#	#
#	#	#	#	#	#

Distance measured from outermost rail.

COMMENTS:

See Page 3, attached



ROAD PROFILE

Crossing #: 004695B

Location: Warren Co., City of Cameron (N)

Lat/Long: 40°52'11" / 90°34'29"

Railroad: BNSF

Street: TR142

Railroad Milepost: 189.49

Crossing Protection: Signs

③ Photo Location

SCALE IN FEET



PLANITEM NUMBER :	PSI004695B	MILEPOST :	0189.48	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	CHILLICOTHE	BUDGET YEAR :	2003
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	085.00	TAX STATE :	IL COUNTY: WARREN	REPORTING OFFICE :	456
REQUESTER ID :	XXXX - SYSTEMWIDE DEFAULT	DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381010	DEPT CODE :	MOWGH
DOT NUMBER :	004695B			DERAILMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING WITH UNI LOOKS AND FLASHERS WITH GATES AT 110TH STREET IN CAMERON, IL.
CHICAGO DIV., CHILLICOTHE SUBDIV., L/S 7000, M.P. 189.48, DOT # 004695B

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 85%.
THE BNSF RAILROAD IS FUNDING THIS PROJECT APPROXIMATELY 15%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	6,943	0	0	0	39,340	46,283
MATERIAL COSTS	13,368	0	0	0	75,752	89,120
OTHER COSTS	3,905	0	0	0	22,121	26,026
TOTALS	24,216	0	0	0	137,213	161,429

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004695B - 1--2S
COSTING DATE : 05/06/2003

PRINTED ON : 05/06/2003
ESTIMATED BY : CONTRACTOR
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	840.00	0.0 MH	16,733			
* LABOR SUBTOTAL							16,733	0	0	0
1120	319	400	9911	BATTERY	1.0	LS N	7,680			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,080			
1120	319	400	9911	BUNGALOW, 6 X 6	1.0	EA N	5,450			
1120	319	400	9911	CABLE	1.0	LS N	2,647			
1120	319	400	9911	CHARGERS	1.0	LS N	899			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	4,530			
1120	319	400	9911	FOUNDATION	2.0	EA N	870			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,514			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,062			
1120	319	400	9911	HXP3R2 UNI SYSTEM	2.0	EA N	29,410			
1120	319	400	9911	LAMP RESISTOR	1.0	EA N	735			
1120	319	400	9911	LED LIGHT ADJUSTMENT	8.0	EA N	2,120			
1120	319	400	9911	LED LIGHT GATE KIT	2.0	EA N	662			
1120	319	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	319	400	9911	MATERIAL FOR ELECTRICAL	1.0	EA	500			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	319	400	9911	RECORDER	1.0	EA N	2,145			
1120	319	400	9911	RTU-6 CELLULAR MONITOR	1.0	EA N	2,121			
1120	319	400	9911	SHUNT, NBS	4.0	EA N	1,196			
* MATERIAL SUBTOTAL							82,780	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	40.0	CY N	1,000			
1120	434	400	9911	MACHINE RENTAL	1.0	EA N	3,120			
1120	790	400	9911	SURFACE ROCK	20.0	CY N	500			
* OTHER SUBTOTAL							10,620	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			10,083			
				EQUIPMENT EXPENSES			3,217			
				DA LABOR OVERHEADS			9,584			
				INSURANCE EXPENSES			2,509			
				MATERIAL HANDLING			12			
				USE TAX			5,294			
				OFFLINE TRANSPORTATION			1,034			
* GANG TOTAL							141,866	0	0	0
8		400	9911	SIGNAL SHOP LABOR - CAP	80.00	0.0 MH	1,652			
* LABOR SUBTOTAL							1,652	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			995			
				EQUIPMENT EXPENSES			317			
				DA LABOR OVERHEADS			946			
				INSURANCE EXPENSES			247			
* GANG TOTAL							4,157	0	0	0
PROJECT SUBTOTAL							146,023	0	0	0
CONTINGENCIES							14,602	0	0	0
BILL PREPARATION FEE							804	0	0	0
PROJECT GROSS COST							161,429	0	0	0
LESS COST PAID BY OTHERS							137,213	0	0	0
PROJECT NET COST							24,216	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- CAMERON DETAILS OF ESTIMATE PLAN ITEM: PSI004695B VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING WITH UNI LOOKS AND FLASHERS WITH GATES AT 110TH STREET IN
CAMERON, IL.
CHICAGO DIV., CHILLICOTHE SUBDIV., L/S 7000, M.P. 189.48, DOT # 004695B

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MATERIAL, LABOR, AND OVERHEADS.

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THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 85%.

THE BNSF RAILROAD IS FUNDING THIS PROJECT APPROXIMATELY 15%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR - CAP	840.00	MH	16,733	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,652	
PAYROLL ASSOCIATED COSTS			11,078	
EQUIPMENT EXPENSES			3,534	
DA LABOR OVERHEADS			10,530	
INSURANCE EXPENSES			2,756	
TOTAL LABOR COST			46,283	46,283

MATERIAL				

BATTERY	1.00	LS N	7,680	
BUNGALOW MATERIAL	1.00	LS N	6,080	
BUNGALOW, 6 X 6	1.00	EA N	5,450	
CABLE	1.00	LS N	2,647	
CHARGERS	1.00	LS N	899	
FIELD MATERIAL	1.00	LS N	4,530	
FOUNDATION	2.00	EA N	870	
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LED LIGHT GATE KIT	2.00	EA N	662	
LIGHT OUT DETECTOR	1.00	EA N	659	
MATERIAL FOR ELECTRICAL	1.00	EA	500	
MISC. MATERIAL	1.00	EA N	1,500	
RECORDER	1.00	EA N	2,145	
RTU-6 CELLULAR MONITOR	1.00	EA N	2,121	
SHUNT, NBS	4.00	EA N	1,196	
MATERIAL HANDLING			12	
USE TAX			5,294	
OFFLINE TRANSPORTATION			1,034	
TOTAL MATERIAL COST			89,120	89,120

OTHER				

CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	40.00	CY N	1,000	
MACHINE RENTAL	1.00	EA N	3,120	

SURFACE ROCK

20.00 CY N

500

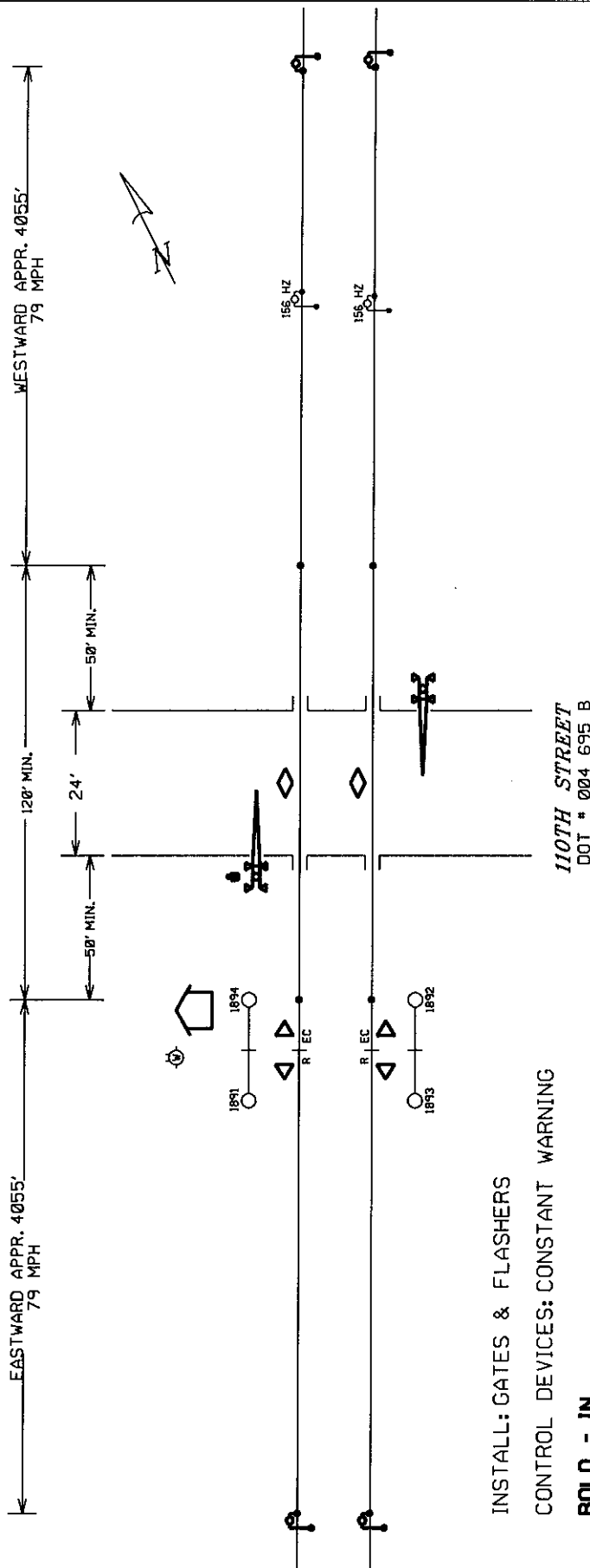
TOTAL OTHER ITEMS COST	10,620	10,620
PROJECT SUBTOTAL		146,023
CONTINGENCIES		14,602
BILL PREPARATION FEE		804
GROSS PROJECT COST		161,429
LESS COST PAID BY BNSF		24,216
TOTAL BILLABLE COST		137,213

=====

The Burlington Northern & Santa Fe Railway Company

TO FORT MADISON

TO CORWITH



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

BOLD - IN

~~ASSETS - LIABILITIES~~

SALVAGE: NONE

INSTRUMENT HOUSE

BELL

METER

CROSSING CONTROLL CONNECTIONS

BIDIRECTIONAL CROSSING CONTROL

UNIDIRECTIONAL CROSSING CONTROL

COUPLER OR

GUARD RAIL

BNSF RAILWAY CO.

CAMERON, IL.

110TH STREET
CHAMBERLAIN, ILL.

LS: 7000

M.P. 189.48
DOT # 004

CHICAGO DIVISION

CHILLICOTHE SUBDIVISION

KANSAS CITY
MO SCALE

DATE: 05/06/03

FILE: 7000189-48.dgn

MCR/SMQ

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'

Edge of Road to C.L. Foundation:
Min. 4'1" with

Min. 8'1" without curb.

House Clearance: 25' Min.

Front Lights: 30' Min. to Edge of Road
LED

Back and Side Lights: LED

antilever Jury Most: LED

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION

: CAMERON

LINE SEGMENT

: 7000

AFE NUMBER



JIM JUSTUS
County Engineer

Exhibit C
PAGE 1

WARREN COUNTY HIGHWAY DEPARTMENT

May 27, 2003

RECEIVED
MAY 28 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Henry Humphries
Illinois Commerce Commission
527 East Capitol Ave.
Springfield, IL 62701

Henry,

Attached is a plan/profile and estimate of cost for upgrading the north approach of TR142 (110th St.) to the railroad crossing in Lenox Township, Warren County. This work is to be done in conjunction with the BNSF Railroad installing signals and gates at the same location.

If you have any questions or need any further information please give us a call.

Sincerely,

Jim Justus
County Engineer

kkh



Warren County, Illinois
Lenox Twp.
110th Street
TR 142 at the
BNSF Railroad X-ing

ESTIMATE OF COSTS

To improve the north approach to meet acceptable grade standards. Work to be completed by Lenox Township and Warren County Highway Department.

MATERIALS:

36 tons of bituminous asphalt mix @ \$37.25 per ton	\$1,341
Seal Coat, 200 sq. yds. @ \$0.55	\$110

EQUIPMENT:

Tandem truck hauling 36 tons 15 miles @ 20¢ per ton per mile Hauling costs includes driver	\$108
Motor Grader – approximately 2 hours of grading & shaping @ \$50 per hour	\$100
Roller – Approximately 4 hours at \$16.50 per hour	\$66

LABOR:

Operator – approximately 6 hours @ \$25 per hour	\$150
--	-------

TOTAL ESTIMATED COST: \$1,875

Estimate made by: Gene Larkin
Warren County Highway Dept.
May 23, 2003

COUNTY	ROAD DISTRICT	SECTION	SHEET NO.
WARREN	LENOX		

TR-142 (110th Street) at the BNSF Railroad crossing
North Approach

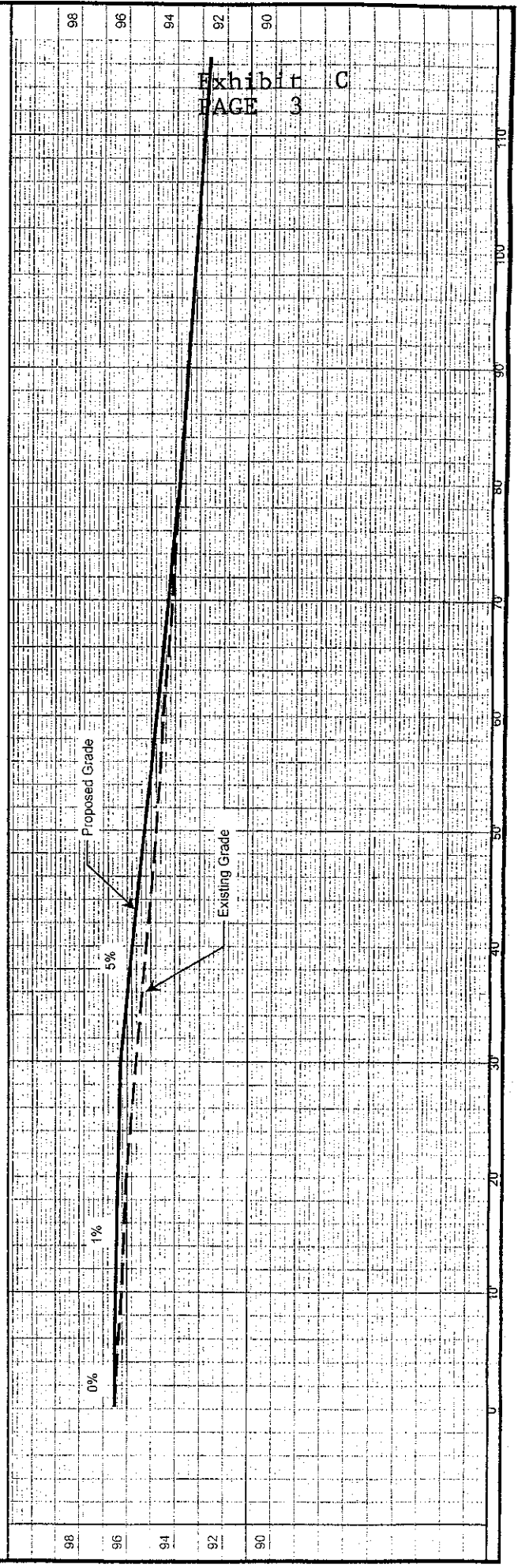
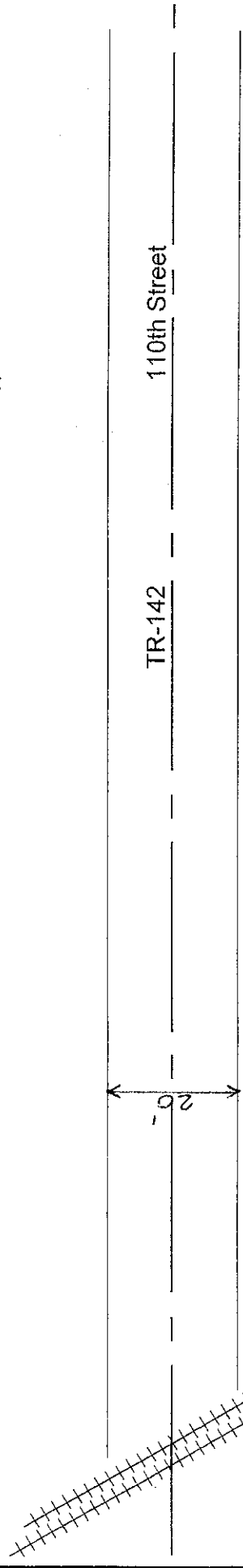


Exhibit C
PAGE 3

Exhibit (D)

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date June 25, 2003

Agreement # 1047

The Lenox Town Board
(Board or Council of Township/Road District)

meeting on 6-25-03, Resolved to authorize Milo Sprout, Highway
(Date) (Name, Office) Commissioner

to act as its designated agent in the processing of this Stipulated agreement and
that the Lenox Road District is financially willing and able to
(Township/Road District)

bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.